

California Regional Water Quality Control Board
North Coast Region

Cease and Desist Order No. 98-103

Requiring the City of Yreka to Cease and Desist
from discharging or threatening to discharge waste
into Yreka Creek and the Shasta River in violation of requirements
contained in Waste Discharge Requirements, Order No. 96-69 and Waste Discharge Prohibitions
contained in the North Coast Basin Water Quality Control Plan

Siskiyou County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. The City of Yreka (hereinafter referred to as the discharger) owns and operates facilities for treatment and disposal of municipal wastewater from the community of Yreka.
2. On September 26, 1996 the Regional Water Board adopted Order No. 96-69, Waste Discharge Requirements for the City of Yreka Municipal Wastewater Treatment Plant. The Requirements specify in part:

“A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Order
2. The discharge of waste from the wastewater treatment facility into Yreka Creek
Solid Disposal

D. SOLIDS DISPOSAL

1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the provisions of Title 23, Chapter 3, Subchapter 15 (now Title 27, Division 2) of the California Code of Regulations or as waived pursuant to Section 13269 of the California Water Code.

E. PROVISIONS

11. Adequate Capacity

Whenever a publicly owned wastewater treatment plant will reach capacity within four years, the discharger shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Water Board, or within 120 days after receipt of Regional Water Board notification, that the POTW will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Water Board itself. [CCR Title 23, Section 2232]

14. In order to assure compliance with Discharge Prohibitions A. 1., A. 2., A. 3. and A. 4., the discharger shall comply with the following time schedule:

- a. Retain a civil engineer to evaluate alternatives for expanded land-application measures.

Date due - November 26, 1996.

- b. Submit report of alternative land-application measures and select alternative for compliance. The report should include a time schedule and management plan for improvements and expansion.

Date due - May 26, 1997.

The discharger shall address progress towards compliance with the above tasks in the monthly Self-Monitoring Report.”

3. Review of sludge management operations at the facility reveals the following:

- Sand-bottom sludge drying beds remain wet during the winter season.

- Conventional sludge drying beds are full throughout the year and become temporary storage for wet sludge in the winter.
- Sludge de-watering beds have no drying capacity.

The discharger recently purchased a Somet system for de-watering sludge to alleviate the problem. To properly handle sludge, better assess the capabilities of the new sludge de-watering system, and comply with Provision D-1, a sludge management scheme needs to be developed and implemented.

4. During 1997 and 1998, staff inspections and monitoring report reviews revealed that the lower percolation ponds remain ponded throughout the year due to waste water loadings and high groundwater in the disposal area. The lower ponds discharge into a cutoff trench thence Yreka Creek during winter wet weather conditions. During the winter wet weather and late spring, a seep from the percolation ponds develops along the west bank of Yreka Creek. Nutrient sampling (Phosphorous, nitrogen and ammonia) of the percolation ponds, cutoff trench drainage and the Creek below the percolation area continues to show that overloaded land-application facilities are discharging to Yreka Creek. This discharge of nutrient-rich effluent is not authorized or regulated by waste discharge requirements prescribed by the Regional Water Board and violates provisions of the Water Quality Control Plan for the North Coast Region.
5. Staff inspections of the County of Siskiyou-Yreka solid waste disposal site reveal that dewatered sludge from the City's wastewater treatment plant has been disposed of at liquid levels exceeding limits prescribed in the solid waste disposal regulations. These discharges violate Provision D-1 of Order No. 96-69.
6. Provisions of the Water Quality Control Plan for the North Coast Region which are being violated or threaten to be violated are as follows:
 - a. The State Water Board adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California". While requiring the continued maintenance of existing high quality waters, the policy provides conditions under which a change in water quality is allowable. A change must:
 - be consistent with maximum benefit to the people of the state;
 - not unreasonably affect present and anticipated beneficial uses of water; and
 - not result in water quality less than that prescribed in water quality control plans or policies. (Nondegradation Policy)
 - b. "Point Source Measures. Waste Discharge Prohibitions... waste discharges, except as stipulated by the Thermal Plan, the Ocean Plan, and the action plans and policies contained in the Point Source Measures

section of this Water Quality Control Plan, are prohibited in the following locations in the Region:

4. Klamath River and its tributaries, including but not limited to the Trinity, Salmon, Scott, and Shasta rivers and their tributaries."

c. Water Quality Objectives for Inland Surface Waters...

"Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses."

"Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses."

"All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

7. Discharges of treated wastewater to overloaded percolation ponds and subsequent overflow into the cutoff trench will continue to occur in violation of Order No. 96-69 and Basin Plan Provisions until the City of Yreka completes an expansion and/or modification of its disposal system.
8. In order to alleviate economic impacts to the City of Yreka and recognize recent improvements to the Treatment Plant, it is appropriate to allow an additional 20,000 gallons per day (gpd) inflow above existing levels.
9. Section 13301 of the Porter Cologne Water Quality Control Act provides in part:

In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order.

Title 23, California Code of Regulations, § 2244(b) provides that:

"Prohibitions or appropriate restrictions on additional discharges should be included in a cease and desist order if the further addition in volume, type, or concentration of waste entering the sewer system would cause an increase in violation of waste discharge requirements or increase the likelihood of violation of requirements."

Further addition in volume of new waste entering the sewer system would cause further overloading of the percolation ponds and increase violations of waste discharge requirements. Further addition of sludge from new waste entering the

system would increase the likelihood of violations of the waste discharge requirements.

10. Pursuant to Water Code Section 13389 and Title 14, California Code of Regulations, Section 15321, this is an enforcement action for threatened violations of Waste Discharge Requirements and the Water Quality Control Plan, and for the protection of the environment and as such is exempt from the requirements of the California Environmental Quality Act.
11. On September 24, 1998, after due notice to the discharger and all other affected persons, the Regional Water Board conducted a public hearing and evidence was received regarding this Cease and Desist Order.

IT IS HEREBY ORDERED that, in accordance with Sections 13243, 13300 and 13301, the City of Yreka shall cease discharging waste in violation of Waste Discharge Requirements, Order No. 96-69 and Basin Plan Provisions forthwith, and shall comply with the following time schedule and requirements:

- a. Submit a report for sludge management defining sludge characteristics, waste handling, transport, the legal point of disposal; and alternative land-application measures and select an alternative that will bring the city into compliance with waste discharge requirements. The report should include a financing and construction time schedule and management plan for providing sufficient disposal capacity for an extended planing period (i.e. +20 years) that will eliminate discharges of waste to Yreka Creek and comply with waste discharge requirements.

Date due - June 30, 1999

- b. Submit a report of completion of sludge management and land-application improvements to bring the Wastewater Treatment Plant into reliable long-term compliance with Waste Discharge Requirements

Date due - November 1, 2001

- c. The addition of new flows of wastewater in excess of an additional 20,000 gpd to the wastewater treatment plant from new residential, commercial, industrial, and/or governmental connections is prohibited until such time that it can be demonstrated to the satisfaction of the Executive Officer that equivalent reductions in influent flow rate and/or increases in plant capacity have been achieved.

Existing connections and structures with building permits already issued at the time of the public notice of the cease and desist hearing August 21, 1998 are excluded from this prohibition. [Title 23, California Code of Regulations, § 2244.1(a)]

Those structures that do not require a “building permit” or are exempted from the permitting process shall be exempted from this prohibition if construction has commenced as of August 21, 1998 ~~[insert the date of the public notice]~~. [Title 23, California Code of Regulations, § 2244.1(a)]

The following are excluded from the prohibition:

1. Discharges from existing dwellings not connected to the sewer system which have methods of waste disposal which are causing more severe water quality problems than those caused by the community sewer system. [Title 23, California Code of Regulations, § 2244.1(b)(1)]
 2. Discharges which, by reason of special circumstances, if not allowed to connect to the community sewer system would result in extreme public hardship or a public health hazard. This is not intended to mean that economic loss to a community as a whole or to any public agency or private person within the community is by itself cause for not prohibiting additional connections because such loss is the rule rather than the exception and cannot outweigh the need to prevent an increase in water quality impairment which is the basic reason for the prohibition. [Title 23, California Code of Regulations, § 2244.1(b)(2)]
- d. The discharger shall address progress towards compliance with the above tasks in the monthly Self-Monitoring Report.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on September 24, 1998

Lee A. Michlin
Executive Officer